

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

United States of America,)	
)	
Plaintiff,)	ORDER OF DETENTION
)	
vs.)	
)	Case No.: 1:09-cr-040
Jesse Joe McKenna,)	
)	
Defendant.)	

The court convened a detention hearing in the above-entitled action on November 30, 2009. AUSA Rick Volk appeared on the Government's behalf. Attorney Kent Morrow appeared on the Defendant's behalf.

There was no dispute that the Defendant violated the conditions of pre-sentence release as alleged in the petition. The Defendant previously entered a plea of guilty to the offense of voluntary manslaughter and is awaiting sentencing. The Government had advised the court that it will be recommending a term of imprisonment for the Defendant.

Thus, for the reasons articulated at the close of the hearing, the court finds that the Defendant has not demonstrated by clear and convincing evidence that he poses no risk of flight. See 18 U.S.C. § 3143(a). The Defendant's pre-sentence release is hereby **REVOKE**D. The Defendant is remanded into the committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant shall be afforded a reasonable opportunity for private consultations with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated this 30th day of November, 2009.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr.

United States Magistrate Judge